

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(Case No. 14420US02)**

In the Application of:

Meier, Robert C.

Serial No.: 10/762,746

Filed: January 22, 2004

For: REDUNDANT RADIO FREQUENCY  
NETWORK HAVING A ROAMING  
TERMINAL COMMUNICATION  
PROTOCOL

Examiner: Holloway III, Edwin C.

Group Art Unit: 2612

Confirmation No.: 5595

Customer No.: 23446

**CERTIFICATE OF TRANSMISSION**

I hereby certify that this correspondence is being transmitted via EFS-Web to the United States Patent and Trademark Office on November 7, 2007.

\_\_\_\_\_  
/Shawn L. Peterson/

Shawn L. Peterson

Reg. No. 44,286

**RESPONSE TO NOTICE OF ALLOWANCE**

MS: Amendment  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This paper responds to the Notice of Allowance mailed on Oct. 19, 2007. The Notice of Allowance provides that claims 21, 24, 27-34, 36-38 and 41-47 are allowable.

Remarks begin on page 2.

Attached to this response are a copy of an IDS, including form PTO/SB/08A, filed on September 22, 2006 and a corresponding filing receipt for such filing.

## REMARKS

Claims 21, 24, 27-34, 36-38 and 41-47 have been allowed in the present application.

During review of the allowed application, the Applicants noticed that various references submitted with an IDS on March 5, 2007, in particular the references designated C28-C40, were not initialed by an Examiner. In a telephone discussion with the Examiner on Nov. 7, 2007, the Examiner stated that he would initial such references and issue a Supplemental Notice of Allowance.

Also during review of the allowed application, the Applicants noticed that various references submitted with an IDS on Sept. 22, 2006 were not initialed by an Examiner. Upon further investigation and discussion with the Examiner, it became apparent that the materials submitted to the PTO on Sept. 22, 2006 were lost. As an attachment to this response, the Applicants have included a copy of the IDS, including form PTO/SB/08A, filed on September 22, 2006 and the filing receipt for such submission.

In the telephone conversation, the Examiner indicated that since the missing references were also submitted in a related application, the Applicants need only direct the Examiner to the related application and the date that such references were submitted. The Applicants submit that the missing references, corresponding to designations C16, C17, C25, C26 and C27 were submitted in related application 11/223,404 on October 5, 2006. The Applicants request that the Examiner consider such references, initial the documents on the attached PTO/SB/08A, and issue a Supplemental Notice of Allowance.

If the Examiner has any further questions, the Applicants invite the Examiner to contact the undersigned to discuss such questions.

Appln. No.: 10/762,746

Response dated Nov. 7, 2007

Reply to Notice of Allowance of Oct. 19, 2007

Though the Applicants do not believe that any additional fee is necessary, the Commissioner is hereby authorized to charge additional fees or credit overpayments to the deposit account of McAndrews, Held & Malloy, Account No. 13-0017.

Date: Nov. 7, 2007

Respectfully submitted,

/Shawn L. Peterson/

Shawn L. Peterson

Reg. No. 44,286

Attorney for the Applicants

McANDREWS, HELD & MALLOY, LTD.

500 W. Madison, Suite 3400

Chicago, IL 60661

Telephone: (312) 775-8000

# COPY

Attorney Docket No. 14420US02

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of: )  
R.C. Meier )  
Serial No.: 10/762,746 )  
Filed: January 22, 2004 )  
Examiner: B.A. Zimmerman )  
Group Art Unit: 2635 )  
For: REDUNDANT RADIO FREQUENCY )  
NETWORK HAVING A ROAMING )  
TERMINAL COMMUNICATION )  
PROTOCOL )  
Confirmation No.: 5595 )

### SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Attached with this electronic submission are the following:

- A completed PTO/SB/08A which has one (1) page.
- A copy of each printed reference listed in the PTO/SB/08A form is attached. Applicants, however, have not submitted U.S. Patents or other references previously provided to or by the PTO in this application. Five (5) references are attached.

### **FEE DETERMINATION AND PAYMENT**

No fee is believed to be due because:

- The applicant(s) believe(s) that this statement and attachments are being filed before the first Office action on the merits (since the applicant's most recent

# COPY

filing of a request for continued examination) has been mailed by the PTO. The basis of this belief is that since the filing of the most recent request for continued examination, no Office action on the merits appears to have been received by the undersigned to date.

The Commissioner is hereby authorized to charge any fees which are presently required, or credit any overpayment, to Deposit Account No. 13-0017.

## REQUEST FOR CONSIDERATION

This paper and attachments are believed to be entitled to consideration under 37 C.F.R. § 1.97, based on the facts stated above.

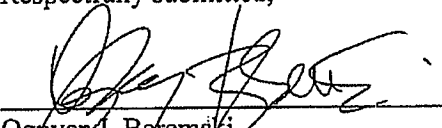
The owner of record of the present application, Broadcom Corporation, is currently involved in a patent infringement action with Qualcomm, Inc., Civil Action No. 05-1392, pending in the Southern District of California.

The references being submitted have been either cited, produced or relied upon by Qualcomm thus far during the above-mentioned lawsuit and/or investigation. This electronic submission is in no way intended as an admission that the submitted references constitute prior art under any subsection of 35 U.S.C. §102 or §103. Applicant expressly retains the right to argue that any of the cited references are not indeed prior art or to take any actions necessary to remove any of the cited references from the available prior art.

The Examiner is requested to initial both copies of the attached PTO/SB/08A and return one copy to the applicants to indicate consideration of the attached references.

Respectfully submitted,

Date: September 22, 2006

  
Ognyan I. Beremski  
Reg. No. 51,458

McAndrews, Held & Malloy, Ltd.  
500 West Madison Street, Suite 3400  
Chicago, Illinois 60661  
(312) 775-8000

# COPY

PTO/SB/08A (08-03)

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet

1

of

1

**Complete if Known**

Application Number	10/762,746
Filing Date	January 22, 2004
First Named Inventor	R.C. Meier
Group Art Unit	2635
Examiner Name	B.A. Zimmerman
Attorney Docket Number	14420US02

**U.S. PATENT DOCUMENTS**

Examiner Initial*	Cite No. <sup>1</sup>	Document Number Number-Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	A11	4,063,220	12-13-1977	Metcalfe	
	A12	4,251,865	02-17-1981	Morris	
	A13	4,332,027	05-25-1982	Malcolm	
	A14	4,661,902	04-28-1987	Hochsprung	
	A15	4,689,786	08-25-1987	Sidhu	
	A16	4,987,571	01-22-1991	Haymond	
	A17	5,164,942	11-17-1992	Kamerman	
	A18	5,673,031	09-30-1997	Hill	

**OTHER ART -- NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published
	C16	TANENBAUM, Computer Networks, Prentice-Hall, Inc., 1981
	C17	TANENBAUM, Computer Networks, 2 <sup>nd</sup> Edition, Prentice-Hall, Inc., 1988
	C25	Plaintiff and Counterdefendant Qualcomm Incorporated's Preliminary Invalidity Contentions For U.S. Patent Nos. 5,500,872, 5,627,412, 5,946,344, 6,075,807, 6,320,896, And 6,714,559
	C26	JOHNSON, "Thoughts on an Adaptive Link Level Protocol " Tucson Amateur Packet Radio Colorado Springs, 1989
	C27	SIDHU et al., "Inside Appletalk", Second Edition, Addison-Wesley Publishing Company, Inc., 1990

**EXAMINER  
SIGNATURE****DATE CONSIDERED**

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3) <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard St. 16 if possible <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450 Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. Send TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1800-786-9199) and select option 2

**Electronic Acknowledgement Receipt****COPY**

<b>EFS ID:</b>	1213339
<b>Application Number:</b>	10762746
<b>Confirmation Number:</b>	5595
<b>Title of Invention:</b>	REDUNDANT RADIO FREQUENCY NETWORK HAVING A ROAMING TERMINAL COMMUNICATION PROTOCOL
<b>First Named Inventor:</b>	Robert C. Meier
<b>Customer Number:</b>	23446
<b>Filer:</b>	Shawn Leonard Peterson/Deborah Wilson
<b>Filer Authorized By:</b>	Shawn Leonard Peterson
<b>Attorney Docket Number:</b>	14420US02
<b>Receipt Date:</b>	22-SEP-2006
<b>Filing Date:</b>	22-JAN-2004
<b>Time Stamp:</b>	12:24:27
<b>Application Type:</b>	Utility
<b>International Application Number:</b>	

**Payment information:**

Submitted with Payment	no
------------------------	----

**File Listing:**

Document Number	Document Description	File Name	File Size(Bytes)	Multi Part	Pages
1	NPL Documents	C025-QualcommInvalidityContentions07-21-2006.pdf	9945589	no	104

**COPY**

<b>Warnings:</b>					
<b>Information:</b>					
2	NPL Documents	C026-Johnson.pdf	484672	no	11
<b>Warnings:</b>					
<b>Information:</b>					
3	NPL Documents	C027-Sidhu.pdf	18124099	no	600
<b>Warnings:</b>					
<b>Information:</b>					
4	NPL Documents	C016-Tanenbaum-p1-249.pdf	20134444	no	135
<b>Warnings:</b>					
<b>Information:</b>					
5	NPL Documents	C016-Tanenbaum-p250-517.pdf	19786674	no	135
<b>Warnings:</b>					
<b>Information:</b>					
6	NPL Documents	C017-Tanenbaum2ndEdition-p1-181.pdf	14889807	no	100
<b>Warnings:</b>					
<b>Information:</b>					
7	NPL Documents	C017-Tanenbaum2ndEdition-p182-395.pdf	22660915	no	107
<b>Warnings:</b>					
<b>Information:</b>					
8	NPL Documents	C017-Tanenbaum2ndEdition-p396-658.pdf	22450847	no	132
<b>Warnings:</b>					
<b>Information:</b>					
9	Information Disclosure Statement (IDS) Filed	14420US02SupplIDS-PTOS B08A-09-22-2006.pdf	144722	no	3
<b>Warnings:</b>					
<b>Information:</b>					
This is not an USPTO supplied IDS fillable form					
<b>Total Files Size (in bytes):</b>			128621769		



# COPY

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

**New Applications Under 35 U.S.C. 111**

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

**National Stage of an International Application under 35 U.S.C. 371**

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.